

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Leaves, Hours of Work and Employee Development

##### Vacation Leave

##### **Adopted Amendment: N.J.A.C. 4A:6-1.2**

Proposed: June 21, 2010 at 42 N.J.R. 1116(a)

Adopted: September 15, 2010, by the Civil Service Commission, Robert M. Czech, Chair/CEO.

Filed: \_\_\_\_\_, 2010 d. \_\_\_\_\_, **without change.**

Authority: N.J.S.A. 11A:2-6(d) and 11A:6-1 et seq.

Effective Date: \_\_\_\_\_, 2010.

Expiration Date: December 3, 2013.

#### **Summary** of Hearing Officer Recommendations and Agency Responses:

A public hearing on this rule proposal was held on July 13, 2010 in Trenton, New Jersey. Elizabeth Rosenthal served as hearing officer. **Seven comments were received** at that time. **Ten written comments** were received. In accordance with administration policy, the hearing officer recommended adoption of

the proposal **without change**. The record of the public hearing may be reviewed by contacting Henry Maurer, Director, Division of Merit System Practices and Labor Relations, Civil Service Commission, P.O. Box 312, Trenton, New Jersey 08625-0312.

### **Federal Standards Statement**

A Federal standards analysis is not required because the adopted amendment governs State employee leave time and is not subject to any Federal standards or requirements.

**The following** is a Summary of public comments and agency responses:

**COMMENT:** Seth Hahn, New Jersey Legislative and Political Coordinator, Communications Workers of America (CWA), submitted comments by Hetty Rosenstein, CWA New Jersey Director, and asked that a copy of these comments be distributed to each member of the Civil Service Commission.

**RESPONSE:** In accordance with longstanding and uniform rulemaking procedures, a comprehensive summary of Ms. Rosenstein's comments has been provided to Commission members.

**COMMENT:** Hetty Rosenstein commented that the paid leave bank (PLB) program for State employees should not be codified at N.J.A.C. 4A:6-1.2, because it is supposed to be considered separate and apart from vacation leave, and because State employees receiving PLB days are supposed to be able to carry these days without limit. These comments were echoed by Lisa Ginther, Executive Director, Public Sector Managers' Association (PSMA); Lisa Ciccone, Business Representative, Local 195, International Federation of Technical and Professional Engineers (IFPTE); William Moore; Rae Roeder, President, CWA Local 1033; Bob Pursell, CWA Local 1033; Paul Pologruto, Treasurer, CWA Local 1032; Thomas E. Harris, Jr., Esq.; Tom Cosmas; Adam Liebttag, President, CWA Local 1036; Karen J. Wells, a State employee; Melissa H. DiGregorio, a State employee; Joe Nardini, Staff Representative, CWA Local 1039; Gregg Gilden, Department of Human Services; Lily Britton, Supervising Program Specialist, Division of Addiction Services, Department of Human Services; and Debra Watts, Shop Steward, CWA Local 1039.

**RESPONSE:** The rule proposal provides, at N.J.A.C. 4A:6-1.2(l)8, that PLB leave is to be tracked separately from vacation leave. However, the Commission believes that codifying the PLB program under the vacation leave rules is both appropriate and necessary. Specifically, the Commission is bound by statute, and the only type

of leave authorized by statute that provides for time off with pay without a specific purpose (such as sick leave, jury leave, or military leave) is vacation leave.

**COMMENT:** Hetty Rosenstein stated that she was a member of a CWA bargaining committee during the first half of 2009 which negotiated a Memorandum of Agreement (MOA) dated June 3, 2009, between CWA and the State of New Jersey, and that this MOA established the PLB program. She indicated, and Adam Liebttag concurred, that the PLB days were negotiated as a “form of deferred compensation in consideration for employees agreeing not to work and not be paid for 10 days during FY 2010 and in consideration for deferring the 3.5% across-the-board July 1, 2009 salary increase until January 1, 2011.” Accordingly, Ms. Rosenstein argued that the PLB rule proposal violates the MOA with CWA, as well as nearly identical MOAs between the State and other unions, and that N.J.S.A. 11A:6-1 and 2, regarding leaves of absence in general and vacation leave, should not be interpreted as impairing the State’s contractual obligations.

**RESPONSE:** The Commission believes that the adoption of this rule is a good faith effort to implement the provisions of the MOA, to ensure that PLB procedures are implemented uniformly throughout State government, to provide a uniform schedule of pro-rated PLB days for those who did not take the full number of unpaid furlough days, and to provide the same PLB program to State employees who are

not union represented, but were still required to take the same number of unpaid furlough days under the Pilot Program.

**COMMENT:** Ms. Rosenstein indicated that, due to an \$8 billion shortfall anticipated for the Fiscal year 2010 budget, then Governor Corzine asked the State unions to reopen their contracts, due to expire on June 30, 2011, for further negotiations. The commenter continued that the Governor asked the unions to agree to a deferral of the 3.5% July 1, 2009 across-the-board salary increase and that State employees be required to take mandatory furlough days so as to avoid layoffs of “up to 7,000” employees. Paul Pologruto stated that it was “unusual” for CWA to agree to modify a contract, but “these are **unusually** bad times” (emphasis in original) and the union wanted to take the “unusual” step of reopening the contract to avoid “dire alternatives” and to help the State with its budgetary shortfall. Hetty Rosenstein recalled that CWA first suggested that the union might agree to defer the July 1, 2009 salary increase for one year, but that the compensation lost as a result of the deferral should be treated as a “no interest loan” which employees would be repaid upon separation or retirement. Finally, Ms. Rosenstein stated, then Governor’s Office of Employee Relations (OER) Director David Beckett indicated that the State would be willing to provide employees with deferred compensation in the form of “paid leave.” Ms. Rosenstein indicated that negotiations ensued in which it was represented that PLB days would be a form of

compensation for the deferred salary increase and mandatory furlough days. Furthermore, the commenter stated that the parties understood that PLB days would not be considered vacation days, and employees would be able to indefinitely retain them and “cash them out” upon separating from State service.

Ms. Rosenstein pointed out that the MOA ultimately provided the following:

The PLB days will be maintained separate and apart from banks of other paid leave and there will be no limitations on the carry over of days in the PLBs. Specifically, the carry over restrictions that are applicable to paid vacation and administrative leave days will not be applicable to the PLBs.

**RESPONSE:** As noted above, the Commission cannot adopt rules in violation of the statute. The only statutory form of leave that can be utilized for the PLB program is vacation leave, and therefore, the statutory restriction on the carrying over of vacation leave set forth in N.J.S.A. 11A:6-2(f) must be applied to PLB days as well.

**COMMENT:** Ms. Rosenstein noted that, in August 2009, in the absence of rule provisions codifying the MOA, the Civil Service Commission approved a pilot program to implement the terms of the MOA for unrepresented State employees. See *In the Matter of Unpaid Furlough Days for Unrepresented Employees Pilot Program* (decided 8/5/09). A pilot program for represented employees was drafted but never submitted to the Commission for approval. According to an e-mail exchange between OER Director David Beckett and various CWA representatives, a copy of which is provided by the commenter, the State and the unions believed that no such program was necessary to implement the MOAs for represented employees; additionally, CWA had concerns about provisions in the draft pilot which were inconsistent with the MOA regarding the affect of PLB days on vacation usage and the length of the working test period. However, both the approved pilot and the draft pilot echoed the MOA provisions that the PLB days would be treated separate and apart from vacation leave and that such days would not be subject to any carry over restrictions.

**RESPONSE:** Notwithstanding the opinion of the former OER Director that rulemaking was not necessary to implement the PLB program, the Commission believes that a rule is necessary to implement this program. Indeed, in the Commission's August 5, 2009 decision establishing the Pilot Program for unrepresented employees, the Commission stated:

In an effort to provide parity for as many State employees as possible, the Chairperson recommends the establishment of a Pilot Program similar to the agreed upon MOAs for unrepresented employees. **A Pilot Program is necessary since there is no statutory or regulatory authority for the provision of unpaid leave of this nature or for the establishment of additional leave days other than those days statutorily prescribed.**

(Emphasis added).

The Commission reiterated the absence of authority for a PLB program when it stated the following:

**There is also no provision in the rules for the establishment of a Paid Leave Bank.** However, as noted above, rules will be promulgated to govern the specifics regarding the administration of Paid Leave Banks.

(Emphasis added).

**COMMENT:** Hetty Rosenstein and Karen J. Wells argued that PLB days are different from vacation days in how they are accrued. They noted that, in State service, vacation days are awarded based on an employee's years of service, but prorated if the employee does not work the entire calendar year. They indicated that PLB days are earned based on the compensation that is, as Ms. Rosenstein put it, "lost as a result of taking [mandatory] furlough days." Therefore, Ms. Rosenstein

stated, as PLB days are a completely separate form of leave, they must not be subject to the carry over limitations applicable to vacation leave. She asserted that if the Commission had proposed PLB rule provisions somewhat contemporaneously with the signing of the MOAs, the parties might have had the opportunity to modify the MOAs in response to policy differences that the proposal raised.

**RESPONSE:** The rule recognizes that PLB days are earned on a different basis than other vacation leave. However, as noted above, since PLB days are being codified as a form of vacation leave, they are subject to the statutory carry over limits on vacation leave.

**COMMENT:** Paul Pologruto argued that “**every** word, **every** sentence and **every** paragraph” (emphasis in original) in the MOA is binding on the parties to the agreement, and that the Governor, as head of the executive branch of State government, had the right to negotiate such an agreement. Mr. Pologruto further stated that the Civil Service Commission answers to the Governor, as do all other executive branch agencies, and is just as bound to the agreement as the rest of the executive branch. Rae Roeder characterized the Commission as a “management arm of the State of New Jersey” that “must honor” the MOA, including its provisions on the PLB days. William Moore provided a copy of an article appearing in NorthJersey.com dated March 9, 2010, in which the current Governor

acknowledged that he is bound by the MOA. Mr. Pologruto also pointed out that the Governor recognizes that his “hands are bound” by the MOA and that the Governor’s realization is exemplified by the fact that State employees subject to the MOA have received the 3.5% across-the-board salary increase due on July 1, 2010, and that the postponed 3.5% increase from July 1, 2009 will be paid on January 1, 2011, in accordance with the MOA. He contended that the Commission is the “lone” State agency not complying with the MOA. Therefore, he urged that the rule proposal be withdrawn. Joe Nardini commented that, for 102 years, the Civil Service Commission has stood for honesty, integrity, and protecting State workers. He stated that there is no greater manifestation of its mission than the Commission preserving the sanctity of a negotiated contract.

**RESPONSE:** The Commission emphasizes that it is not the “management arm” of the State, nor is it the employer. Rather, it is the agency with the statutory duty and authority to regulate public employment in accordance with the Civil Service Act, N.J.S.A. 11A:1-1, et seq. As such, the Commission is not bound by any contractual provisions that are contrary to statute. Rather, any contractual provisions that are contrary to the Commission’s statute and rules are pre-empted by those statutory and regulatory provisions. *Council of New Jersey State College Locals, NJSFT-AFT/AFL-CIO v. State Board of Higher Education*, 91 N.J. 18, 28 (1982); *State v. State Supervisory Employees Association*, 78 N.J. 54, 80-82 (1978).

Nevertheless, the Commission believes that this rule represents a good faith effort to implement the provisions of the MOA, subject to the statutory restrictions noted above.

**COMMENT:** William Moore contended that the MOA does not automatically expire on June 30, 2011, but that, unless a notice of termination is provided by one of the parties, the contract will be renewed from year to year.

**RESPONSE:** Although the Commission questions whether this is a correct statement of public employment labor law, it is not relevant to this rule proposal.

**COMMENT:** Melissa H. DiGregorio commented that the rationale for not permitting the unlimited carrying over of PLB days, which is that allowing this would violate the statutory restrictions on the carrying over of vacation days, is “disingenuous,” as PLB days were never intended by the parties to the MOA to be designated or treated as vacation leave. Karen J. Wells argued that applying vacation leave standards to the PLB program is a “leap” which is “contrived” to justify limiting the ability of State employees to carry over their PLB days.

**RESPONSE:** For the reasons stated above, the Commission believes that the carrying over of PLB days must be limited in accordance with the statutory restrictions governing vacation leave.

**COMMENT:** Rae Roeder enclosed with her comments a copy of the “FY 2010 Mandatory Unpaid Furloughs Frequently Asked Questions,” which appears on the Civil Service Commission web site at [http://www.state.nj.us/csc/Unpaid Furlough FAQs final 7 24 09.pdf](http://www.state.nj.us/csc/Unpaid_Furlough_FAQs_final_7_24_09.pdf). She noted that these FAQs include a statement that there will be “no limitations on the carry over of days in the PLB.” She further noted that the FAQs do not refer to PLB days as vacation days.

**RESPONSE:** The FAQs prepared by staff members at the time of the signing of the MOAs were intended to provide guidance to State appointing authorities and employees on this new and unprecedented program, but were not formally approved by, and are not binding on, the Civil Service Commission.

**COMMENT:** Thomas E. Harris, Jr., commented that the proposed amendment to N.J.A.C. 4A:6-1.2 classifying PLB days as vacation days is an attempt to “reategorize what was agreed to as something other than what was clear in the

MOA, in violation of the National Labor Relations Act....” He also stated that N.J.S.A. 11A:6-2, which sets forth civil service employee entitlements to vacation leave for full-time State employees, as well as the passage providing that vacation leave can be carried over for only one year, also provides the following in subsection (g): “Nothing in this subsection shall affect any rights to vacation leave which is [sic] subject to collective negotiation or collective bargaining.” Mr. Harris argued that, therefore, as the MOA is the “direct result of the collective bargaining process,” N.J.S.A. 11A:6-2 effectively excludes PLB days from its provisions. He continued that the MOA, not N.J.S.A. 11A:6-2, is the basis for the Commission’s need to propose an implementing rule on PLBs. Finally, he argued that, although he understands that the Commission cannot comment on whether the Legislature will or will not act on a particular issue, if N.J.S.A. 11A:6-2 does apply in the instant matter, the Legislature should amend that statutory section to authorize the MOA’s terms with respect to PLB days.

**RESPONSE:** The National Labor Relations Act governs employment in the private sector, not State government employment. Nevertheless, as noted above, a contractual provision that is inconsistent with statutory provisions is not enforceable and will not be incorporated in Civil Service rules. With regard to N.J.S.A. 11A:6-2(g), that subsection addresses vacation leave not taken by an unclassified employee because of duties directly related to a State of emergency

declared by the Governor. Although the cited sentence refers to rights to vacation leave “subject to collective negotiations or collective bargaining,” it is clear under the court decisions cited above that benefits specifically prohibited by statute are not subject to collective negotiations or collective bargaining.

**COMMENT:** William Moore commented that civil service rules permit an employee to carry compensatory time off (CTO) “indefinitely” before it is used. Therefore, he argued, the Civil Service Commission is being inconsistent in not permitting PLB days to be carried over indefinitely.

**RESPONSE:** PLB days are not the same as CTO. The PLB program is drawn from MOA provisions and limited by the vacation leave language in N.J.S.A. 11A:6-2. CTO is not leave time but an alternative to overtime compensation governed by State and Federal law. See N.J.A.C. 4A:3-5.1 through 5.10.

**COMMENT:** Hetty Rosenstein opined, and Adam Liebttag agreed, that an “adverse impact on staffing and productivity,” as well as increased overtime expenditures, would result due to the number of employees who will feel compelled to exhaust their PLB days within a two-year period. Tom Cosmas contended that the rule proposal would negate the cost savings enjoyed via the use of mandatory furloughs

and the deferral of across-the-board raises. Adam Liebttag added that State agencies are already short-staffed due to a hiring freeze and the inability to fill vacancies created by employee retirements and resignations. Joe Nardini argued that the savings incurred by the State due to putting a carry over limitation in place would yield a savings of only \$260 per employee if, for example, affected employees earned \$50,000 a year, but that these are insufficient savings when compared to maintaining the integrity of the MOA. He suggested instead that, to save money, the State should eliminate political positions. He contended that every State agency has political appointees earning in excess of six figures but performing duplicative work.

**RESPONSE:** It is not the role of the Commission to evaluate the relative costs and benefits of the PLB program. Rather, in adopting this rule amendment, the Commission is implementing a collectively negotiated benefit, and providing for uniform use among represented and unrepresented State employees.

**COMMENT:** Hetty Rosenstein commented that CWA never would have agreed to the postponement of the across-the-board salary increase and the mandatory furloughs if the union did not have confidence in the enforceability of the MOA. Thomas E. Harris, Jr., contended that if the PLB provisions of the MOA are in violation of State law as the Commission stated in its proposal summary, and the

Commission therefore cannot abide by the terms of the MOA in its rulemaking, the State should reimburse State employees for every mandatory furlough day taken and also provide them with retroactive back pay reflecting the 3.5% raise due in July 2009. Ms. Rosenstein stated that the PLB program was a centerpiece of the MOA, constituting consideration for the salary increase deferral and mandatory furlough days. Accordingly, Adam Liebttag commented that State employees have fulfilled their part of the bargain by taking all mandatory furlough days, explaining that, while the State has accepted the benefit of the mandatory furloughs, the employees are not being afforded the full benefit of the PLB days negotiated in the MOA. Ms. Rosenstein contended that the rule proposal, if adopted without change, would discourage unions and employers in the future from negotiating “creative ways to save taxpayer dollars in times of financial distress.” Finally, she urged the Commission to propose a different rule in place of the present proposal which would codify a provision unattached to the vacation leave rule dealing with only the PLB program, and that this rule should include language guaranteeing no limitations on the carrying over of PLB days.

**RESPONSE:** As explained above, the Commission believes that this rule amendment is a good faith effort to implement the terms of the MOA.

**COMMENT:** Lisa Ciccone commented that, rather than adopt this rule proposal, the Commission should amend the sick leave rule once the MOA expires, to ensure that the PLB days will have an unlimited carry over, like sick leave.

**RESPONSE:** The Commission cannot implement this suggestion, since sick leave is for specific purposes associated with illness or injury.

**COMMENT:** Lisa Ginther stated that PSMA represents over 400 mid-level managers in State service who are not represented by a union and typically are subjected to all the negative aspects of negotiated agreements without any of the benefits. She pointed to salary compression, in which members often earn less than their subordinates. In the instant matter, she urged the Commission to adhere to the MOA language regarding PLBs.

**RESPONSE:** As noted above, a major purpose of the rule amendment is to extend the benefit of PLB days to unrepresented employees, including managers. In the absence of this rule, there would be no statutory or regulatory authority to grant PLB days to managers and other unrepresented employees.

**COMMENT:** Michael Ticktin asked whether an employee would have the option under N.J.A.C. 4A:6-1.2(l)5 of using the PLB days at any time during the period of July 1, 2010 and June 30, 2012, or whether the appointing authority would be expected to advise the employee if “business necessity” does not permit this sort of discretion on the part of the employee. Alice A. Previte expressed concern that the rule proposal will not be adopted in time for employees to know if the carry over restrictions will actually be put in place; this lag time could affect the ability of employees to use the days during the prescribed periods. She also asked whether it is the supervisor or Human Resources who must approve an employee’s use of PLB days during a given period.

**RESPONSE:** Although tracked separately from vacation leave, the procedures for carrying over PLB days are the same as those for carrying over vacation days.

**COMMENT:** Adam Liebttag argued that the PLB proration charts for 10-month, 12-month, and part-time employees need not be promulgated to correct their current application by the Civil Service Commission. Instead, the application of the chart should be clarified by the Commission for appointing authorities so that it is understood that all employees who utilized the required 10 mandatory furlough days are entitled to all seven PLBs in accordance with the MOA. Mr. Liebttag stated

that many employees have been notified that they are not receiving all seven PLB days because they took unpaid leave during Fiscal Year 2010.

**RESPONSE:** The Commission believes that the charts provide appropriate guidance to State appointing authorities and employees regarding those who are not entitled to the full amount of seven PLB days, consistent with the provisions of the MOA.

**COMMENT:** In accordance with Paragraph (l)6 of the MOA, OER Director David A. Cohen urged the Civil Service Commission, jointly with CWA, to modify the proposed amendment to N.J.A.C. 4A:6-1.2 so that it conforms with the MOA's language regarding PLB days. Specifically, Mr. Cohen asked that no limitation be placed upon the carrying over of such days.

**RESPONSE:** As noted above, the Commission believes that the limitation on the carrying over of PLB days is the only way to implement the program, consistent with the statutory provisions on leaves of absence. Eliminating the limitation on carry over would be contrary to N.J.S.A. 11A:6-2(f), and thus, beyond the regulatory authority of the Civil Service Commission.

**Full text** of the adoption follows:

4A:6-1.2 Vacation leave

(a) – (d) (no change.)

(e) Part-time and 10-month employees shall be entitled to a proportionate amount of paid vacation leave. See N.J.A.C. 4A:3-3.8(f) for paid vacation leave to which State employees in intermittent titles are entitled.

(f) – (k) (No change.)

(l) In State service, full-time 12-month and 10-month employees in the career, senior executive and unclassified services who have utilized up to 10 mandatory furlough days in 2009 and 2010 shall be credited with up to seven additional working days of paid vacation leave, regardless of years of service, as follows:

1. On July 1, 2009, all employees shall be credited with one paid leave day.
2. An employee shall earn one additional paid leave day for every two mandatory furlough days utilized, up to a maximum of five paid leave days earned for 10 mandatory furlough days utilized.
3. On June 30, 2010, all employees shall be credited with one additional paid leave day.
4. By July 1, 2010, all employees who utilized a total of 10 mandatory furlough days shall be credited with a total of seven paid leave days.

i. Employees who began State service after July 1, 2009 or who were in unpaid status for one or more pay periods between July 1, 2009 and June 30, 2010 and therefore utilized a prorated number of mandatory furlough days shall be credited with a prorated number of paid leave days in accordance with the schedules in N.J.A.C. 4A:6-1.2 Appendix A, incorporated herein by reference, for 10-month employees and N.J.A.C. 4A:6-1.2 Appendix B, incorporated herein by reference, for 12-month employees.

ii. Part-time employees who utilized a prorated number of mandatory furlough days shall be credited with a prorated number of paid leave days in accordance with the schedule in N.J.A.C. 4A:6-1.2 Appendix C, incorporated herein by reference, except that if a part-time employee meets the criteria in (a) above, the schedule in N.J.A.C. 4A:6-1.2 Appendix C shall be used in conjunction with the schedules in N.J.A.C. 4A:6-1.2 Appendices A or B, as applicable.

5. These additional paid leave days may be used beginning July 1, 2010 through June 30, 2011, subject to operational needs. Approval for the use and scheduling of these days shall not be unreasonably denied. If not taken in a given year because of business demands, these days shall accumulate and be granted during the next succeeding year only. In no case shall any such additional paid leave be carried beyond June 30, 2012.

6. An employee who leaves State government service shall be paid for unused earned paid leave.

7. Upon the death of an employee, unused paid leave shall be paid to the employee's estate.

8. The paid leave days granted under this subsection do not correlate with years of service and shall, therefore, be tracked separately from the vacation leave accumulated under (a)2 above.

**(Agency Note:** Those portions of the appendices in the adopted new N.J.A.C. 4A:6-1.2 appearing in boldface are not further proposed amendments but are to appear in boldface permanently.)

**APPENDIX A**

**10-Month Employee Proration Chart**

**EMPLOYED (ACTIVE STATUS) ALL OF FY2010; NOT IN PAY STATUS ALL OF FY2010**  
 10 Month  
 Employees

**NEW HIRES AND SEPARATIONS DURING FY2010**

				Active on both 7/1 & 6/30	Active on both 7/1 & 6/30	Active on both 7/1 & 6/30		Active on neither 7/1 nor 6/30	Active on either 7/1 only or 6/30 only	Active on either 7/1 only or 6/30 only	Active on either 7/1 only or 6/30 only
# of pay periods in pay status	SDF day obligation	Rounded SDF day obligation	Rounded PLB days	Bookend days accrued	Bookend hours accrued*	Bookend hours accrued*		Bookend days accrued	Bookend days accrued	Bookend hours accrued*	Bookend hours accrued*
					35 hr wk	40 hr wk				35 hr wk	40 hr wk
22	10.00	10	5.0	2.00	14.00	16.00		0.0	1.00	7.00	8.00
21	9.55	10	5.0	1.91	13.50	15.50		0.0	0.96	6.50	7.50
20	9.09	9	4.5	1.82	13.00	15.00		0.0	0.91	6.50	7.50
19	8.64	9	4.5	1.73	12.00	14.00		0.0	0.87	6.00	7.00
18	8.18	8	4.0	1.64	11.50	13.00		0.0	0.82	6.00	6.50
17	7.73	8	4.0	1.55	11.00	12.50		0.0	0.78	5.50	6.00
16	7.27	7	3.5	1.45	10.00	11.50		0.0	0.75	5.00	6.00
15	6.82	7	3.5	1.36	9.50	10.50		0.0	0.68	5.00	5.50
14	6.36	6	3.0	1.27	9.00	10.00		0.0	0.64	4.50	5.00
13	5.91	6	3.0	1.18	8.50	9.50		0.0	0.59	4.00	4.50
12	5.45	5	2.5	1.09	7.50	8.50		0.0	0.55	4.00	4.50
11	5.00	5	2.5	1.00	7.00	8.00		0.0	0.50	3.50	4.00
10	4.55	5	2.5	0.91	6.50	7.50		0.0	0.46	3.00	3.50
9	4.09	4	2.0	0.82	5.50	6.50		0.0	0.41	3.00	3.50
8	3.64	4	2.0	0.73	5.00	6.00		0.0	0.37	2.50	3.00
7	3.18	3	1.5	0.64	4.50	5.00		0.0	0.32	2.00	2.50
6	2.73	3	1.5	0.55	4.00	4.50		0.0	0.28	2.00	2.00
5	2.27	2	1.0	0.45	3.00	3.50		0.0	0.23	1.50	2.00
4	1.82	2	1.0	0.36	2.50	3.00		0.0	0.18	1.50	1.50
3	1.36	1	0.5	0.27	2.00	2.00		0.0	0.14	1.00	1.00
2	0.91	1	0.5	0.18	1.50	1.50		0.0	0.09	0.50	0.50
1	0.45	0	0.0	0.09	0.50	0.50		0.0	0.05	0.50	0.50

\* rounded to nearest half hour: .75 or above rounded up to full hour  
 .26 to .74 rounded to half hour  
 .01 to .25 rounded down to full hour

**APPENDIX B**

**12-Month Employee Proration Chart**

**EMPLOYED (ACTIVE STATUS) ALL OF FY2010; NOT IN PAY STATUS ALL OF FY2010**  
 12 month employees

**NEW HIRES AND SEPARATIONS DURING FY2010**

				Active on both 7/1 & 6/30	Active on both 7/1 & 6/30	Active on both 7/1 & 6/30		Active on neither 7/1 nor 6/30	Active on either 7/1 only or 6/30 only	Active on either 7/1 only or 6/30 only	Active on either 7/1 only or 6/30 only
# of pay periods in pay status	SDF day obligation	Rounded SDF day obligation	Rounded PLB days	Bookend days accrued	Bookend hours accrued*	Bookend hours accrued*		Bookend days accrued	Bookend days accrued	Bookend hours accrued*	Bookend hours accrued*
					35 hr wk	40 hr wk				35 hr wk	40 hr wk
26	10.00	10	5.0	2.00	14.00	16.00		0.0	1.00	7.00	8.00
25	9.62	10	5.0	1.92	13.50	15.50		0.0	0.96	6.50	7.50
24	9.23	9	4.5	1.85	13.00	15.00		0.0	0.92	6.50	7.50
23	8.85	9	4.5	1.77	12.50	14.00		0.0	0.88	6.00	7.00
22	8.46	8	4.0	1.69	12.00	13.00		0.0	0.85	6.00	7.00
21	8.08	8	4.0	1.62	11.50	13.00		0.0	0.81	5.50	6.50
20	7.69	8	4.0	1.54	11.00	12.50		0.0	0.77	5.50	6.00
19	7.31	7	3.5	1.46	10.00	11.50		0.0	0.73	5.00	6.00
18	6.92	7	3.5	1.38	9.50	11.00		0.0	0.69	5.00	5.50
17	6.54	7	3.5	1.31	9.00	10.50		0.0	0.65	4.50	5.00
16	6.15	6	3.0	1.23	8.50	10.00		0.0	0.62	4.50	5.00
15	5.77	6	3.0	1.15	8.00	9.00		0.0	0.58	4.00	4.50
14	5.38	5	2.5	1.08	7.50	8.50		0.0	0.54	4.00	4.50
13	5.00	5	2.5	1.00	7.00	8.00		0.0	0.50	3.50	4.00
12	4.62	5	2.5	0.92	6.50	7.50		0.0	0.46	3.00	3.50
11	4.23	4	2.0	0.85	6.00	7.00		0.0	0.42	3.00	3.50
10	3.85	4	2.0	0.77	5.50	6.00		0.0	0.38	2.50	3.00
9	3.46	3	1.5	0.69	5.00	5.50		0.0	0.35	2.50	3.00
8	3.08	3	1.5	0.62	4.50	5.00		0.0	0.31	2.00	2.50
7	2.69	3	1.5	0.54	4.00	4.50		0.0	0.27	2.00	2.00
6	2.31	2	1.0	0.46	3.00	3.50		0.0	0.23	1.50	2.00
5	1.92	2	1.0	0.38	2.50	3.00		0.0	0.19	1.50	1.50
4	1.54	2	1.0	0.31	2.00	2.50		0.0	0.15	1.00	1.00
3	1.15	1	0.5	0.23	1.50	2.00		0.0	0.12	1.00	1.00
2	0.77	1	0.5	0.15	1.00	1.00		0.0	0.08	0.50	0.50
1	0.38	0	0.0	0.08	0.50	0.50		0.0	0.04	0.50	0.50

\* rounded to nearest half hour: .75 or above rounded up to full hour  
 .26 to .74 rounded to half hour  
 .01 to .25 rounded down to full hour

**Appendix C**  
**Proration Chart for Part-Time Employees**

	<b>UNPAID FURLOUGH HOURS REQUIRED IN FY2010</b>	<b>PAID LEAVE BANK DAYS ACCRUED</b>			<b>UNPAID FURLOUGH HOURS REQUIRED IN FY2010</b>	<b>PAID LEAVE BANK DAYS ACCRUED</b>
<b>P/T PERCENTAGE</b>	<b>HOURS IN WORKWEEK OF TITLE</b>	<b>HOURS IN WORKWEEK OF TITLE</b>			<b>HOURS IN WORKWEEK OF TITLE</b>	<b>HOURS IN WORKWEEK OF TITLE</b>
	<b>35</b>	<b>35</b>			<b>40</b>	<b>40</b>
10	7	0.50			8	0.50
15	11	0.75			12	0.75
20	14	1.00			16	1.00
25	18	1.25			20	1.25
30	21	1.50			24	1.50
35	25	1.75			28	1.75
40	28	2.00			32	2.00
45	32	2.25			36	2.25
50	35	2.50			40	2.50
55	39	2.75			44	2.75
60	42	3.00			48	3.00
65	46	3.25			52	3.25
70	49	3.50			56	3.50
75	53	3.75			60	3.75
80	56	4.00			64	4.00
85	60	4.25			68	4.25
90	63	4.50			72	4.50
95	67	4.75			76	4.75